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SUMMARY RECORD OF THE 1102nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 28 October 1991, at 10 a.m.

Chairman: Mr. POCAR

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Third periodic report of Poland (CCPR/C/58/Add.10 and Add.13)

1. At the invitation of the Chairman, Mrs. Skorzewska-Losiak, Mr. Kedzia, Mr. Ryms and Mr. Jarzabek (Poland) took places at the Committee table.

2. The CHAIRMAN welcomed the delegation of Poland, whose high-level composition would ensure that the Committee's questions were dealt with competently. He looked forward to a fruitful dialogue with the delegation.

3. Mrs. SKORZEWSKA-LOSIAK (Poland) said that the dialogue with members of the Committee, whose work was greatly appreciated by her Government, would permit an objective assessment of the manner in which Poland was implementing the rights and freedoms set forth in the Covenant and of the progress that was still needed in that regard, in terms both of bringing legislation into line with the provisions of the Covenant and of ensuring the exercise of rights and freedoms in conformity with the letter and spirit of that instrument.

4. One of the most crucial problems was to ensure the observance in practice of the rules and standards set forth in the legislation. Under the socialist system, all rights had ostensibly been recognized but there had been limitations in practice that had made it virtually impossible to actually exercise such essential rights as the right to freedom of speech, freedom of association and genuine participation in public affairs. Progress in the enjoyment of human rights depended not only on genuine cooperation among State bodies and with international organizations but also on the participation of men and women, acting individually or in groups, who understood the real meaning of the exercise of human rights. The necessary conditions had to be created, both internally and internationally, to solve the problems arising from conflicts of interest, for example conflicts between individual and collective interests or between social conscience and the economic situation of the country.

5. Poland attached great importance to the activities of non-governmental organizations as a means of ensuring the observance of human rights. The independence of the communications media was also highly important. Human rights questions were given extensive coverage in the Polish press.

6. Poland had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention relating to the Status of Refugees and the Convention on the Rights of the Child.
On 21 September 1990, it had made the declaration under article 41 (1) of the Covenant recognizing the competence of the Human Rights Committee to receive and consider communications to the effect that a State party claimed that another State party was not fulfilling its obligations under the Covenant.
On 14 October 1991, the President of the Republic had signed the document of accession to the Optional Protocol to the Covenant.

7. In its reports, Poland had referred to the historical events that had had a decisive influence on the implementation of human rights. The developments that had begun in 1989 had led to a change in the political and legal system and a transformation from a one-party system to a democratic state of law, following the convening of a round table between the representatives of the political opposition and the Communist Party, and the holding of parliamentary elections in June 1989 in which there had been overwhelming opposition to the previous political system. The first non-Communist government had been formed in December 1989 and had presented a programme of democratic reforms, with plans for the holding of free and democratic elections on 26 October 1991.

8. It would be seen from paragraph 3 of the report (CCPR/C/58/Add.10) that the description of Poland's implementation of the Covenant between January 1987 and April 1990 was divided into three distinct periods: January 1987 to January 1989; February 1989 to August 1989; and September 1989 to April 1990. The changes in the legal system with respect to human rights had been made in the latter period. Censorship had been abolished, together with the one-party monopoly of the press, and the necessary conditions had been established to allow for the issue of independent publications. The conditions now existed, therefore, for free exchange of information within and outside the country. Details of the legislative changes were given in the report. One important feature was the establishment of new legal bases for the activities of political parties, trade unions and other associations, based on pluralism, free association and participation in political life. New legislation in that area included an Act of 23 May 1991 on trade unions and collective bargaining, to which reference was made in additional information provided by the Government. The new Passport Act made it possible for citizens to exercise their right freely to leave and return to Poland. In the new legislation on aliens, visas had been abolished for nationals of many countries. Freedom of association was also guaranteed. Moreover, there had been changes to protect people from arbitrary or unlawful detention. All detentions were now subject to the control of the courts, to which detainees could appeal and, if successful, be granted immediate release. The State was held responsible for damages in any case of unlawful detention. A bill was before Parliament for the amendment of the Code of Criminal Procedure to provide that the Court, and not the public prosecutor, was responsible for any decision to hold a person in custody.

9. The police system was also being completely restructured. There were serious difficulties in elucidating the activities of the former security organs, particularly in cases in which they had been suspected of causing deaths or committing other serious violations of human rights. In June 1989, Parliament had established a special parliamentary commission to carry out an investigation into the operations of the Ministry of the Interior in connection with the deaths of 120 people alleged to have been caused by security officials. The commission had submitted a full report on the results of its inquiries, subsequently approved by Parliament. The report had recommended that criminal proceedings should be instituted with a view to establishing criminal responsibility for 91 deaths. Investigations were proceeding and the Public Prosecutor was to submit information to Parliament on their results by 31 December 1991.

10. A further important matter referred to in the report related to the changes that had taken place in the operation of the judicial system. Poland was aware that independent and impartial courts were the best means of protecting all rights and freedoms. The changes made in 1989 included the establishment of institutional guarantees for the independence of the courts and judges, the broadening of the competence of the courts and the placing of administrative cases under the control of the Administrative Court. Approval had been given to a rule that judges could be removed from office only on the decision of a disciplinary court. In all matters of importance regarding the functioning of the courts, the prerogative had passed to collegiate bodies of the courts elected by the judges themselves. A National Council of the Judiciary had been established with the vital task of proposing to the President procedures for the appointment of judges. The election of magistrates by the Supreme Court had been abolished, and the new composition of the Supreme Court itself had been announced in June 1990. The Civil Rights Spokesman, whose duties were described in the report, played a highly important role. She had referred to only some of the many developments. If the Committee so wished, she could describe the plans currently being prepared or to be taken up in the near future with respect to human rights problems. One highly important matter was to advance the work on the new Constitution of the Republic, which would have to include some very broad regulations.

11. The CHAIRMAN thanked the representative of Poland for her presentation, which clearly showed that important developments were taking place in Poland daily with respect both to legislation and to the acceptance of international guarantees. He welcomed Poland's accession to the Optional Protocol to the Covenant. The Committee had, in the past, been fortunate in having a Polish citizen - Mr. Zielinski - as one of its members, whose work was well remembered by his former colleagues. Mr. Zielinski was now performing important functions in Poland as President of the Administrative High Court, where his experience in the Committee would undoubtedly be extremely useful.

12. He invited the representative of Poland to respond to the questions raised in section I of the list of issues.

I. Constitutional and legal framework within which the Covenant is implemented (article 2 (2) and (3))

(a) In view of the recent important changes in the country, please clarify the status of the Covenant within the Polish legal system. In particular, how are contradictions between domestic legislation and the Covenant, if any, resolved?

(b) What provisions govern the appointment of judges in Poland?

(c) Please clarify the status and functions of the Civil Rights Spokesman as well as the impact of his decisions. (Paragraph 34 of the report.)

(d) What are the composition and functions of the Social Committee on Human Rights and the Human Rights and Legality Commission?

(e) What progress has been achieved in preparing for Poland's accession to the Optional Protocol?

13. Mrs. SKORZEWSKA-LOSIAK (Poland) said that the relationship between the Covenant and domestic legislation had not yet been fully decided upon, since it had not been specified clearly in the Constitution. Article 32 (2) of the Constitution called for a consensus in Parliament for the ratification of covenants that required substantial financial expenditure or changes in the legislation in force. In 1990, however, when Poland had become a democratic State, amendments had been made to the Constitution, and international legal instruments were increasingly coming to be regarded as having direct application in the Polish system. That was related to the tradition of the pre-war and immediate post-war years when an Act ratifying an international agreement had had the effect of incorporating its rules into national legislation. That approach was reflected not only in statute law but also in the judicial precedents of the courts. For example, in a decision of 5 July 1991, the Administrative High Court had referred to article 14 (1) of the Covenant in ruling that a policeman dismissed from the service had the right to apply for compensation. A further example was a decision of the Administrative High Court of 24 February 1989 that denial of permission to build a fee-paying school was contrary to article 13 (3) and (4) of the International Covenant on Economic, Social and Cultural Rights because it limited the right of parents to choose a school for their children. In a decision of 5 June 1989, the Administrative High Court had ruled that the terms of article 14 (1) of the Covenant must be fulfilled and all persons must have the right to appeal to the Constitutional Court, which had adopted the position that its own decisions would be based on the Covenant.

14. On 30 January 1991 the Constitutional Court had found that the prohibition of religious teaching in schools against the will of parents was contrary to article 18 (1) of the Covenant while, on 15 January 1991, the Court had taken the position that the freedom granted under article 18 (2) covered not only the right to express a particular religious opinion but the right to proceed in conformity with one's own convictions. Subsequently the Constitutional Court had ruled that a physician had the right to refuse to issue a document authorizing an abortion if he thought such action unethical. Currently the Constitutional Court was evaluating the compatibility of the rules concerning frontier guards with articles 14 and 26 of the Covenant. The case in question related to whether or not a frontier guard could be prevented from seeking legal redress on a matter concerning compensation when the rules on compensation excluded the right to such redress. The Constitutional Court was the appropriate body to assess the compatibility of national laws not only with the Constitution but also with international legal instruments which had been ratified by Poland.

15. The following rules had been proposed in connection with the drafting of a new Constitution: Polish law should be compatible with international conventions ratified by Poland and with generally accepted international

norms; an international treaty ratified by consensus in Parliament should have priority when it was not compatible with national law; and the rights and freedoms laid down in the Constitution should not be interpreted as limiting the human rights enjoyed by individuals under the provisions of international law.

16. In connection with question (b), she said that, pursuant to a change which had come into force on 1 January 1990, judges in all Polish courts were appointed by the President on the motion of the National Council of the Judiciary. Candidates were considered in the first instance by general assemblies of judges in the respective courts. Those assemblies then submitted two candidates for each vacancy to the National Council of the Judiciary, which decided which of the two candidates should be proposed to the President as the better qualified. The participation of the Minister of Justice in the process was confined to his role as a member of the National Council of the Judiciary. In the appointment of judges to the Supreme Court and of district appeal judges in 1990 the Minister of Justice had been permitted to present candidates to the National Council of the Judiciary only once.

17. Referring to question (c), she said that the Civil Rights Spokesman, in conformity with the Constitution, was responsible for monitoring the exercise of rights and freedoms and was an independent agent. The appointment was made by the Diet with the prior consent of the Senate and was for a period of four years. The mandate of the Spokesman was defined in the Act of 14 July 1987, as amended by the Act of 24 August 1991. He was entitled to act at the request of citizens or on his own initiative and it was his duty to consider whether, due to either negligence or error on the part of State bodies, the law had been violated. If so, the Spokesman could approach the relevant body and initiate judicial proceedings, either criminal, administrative or disciplinary. Cases could be pursued further through administrative tribunals and the Constitutional Court. The Spokesman submitted an annual report on his activities to Parliament. In his 1990 report, the Spokesman had indicated that he had received more than 40,000 complaints, as against 46,000 in 1989. In 1990 he had considered more than 4,800 cases and had made 164 general presentations in which he had questioned the practical implementation of the law. He had submitted 15 motions to the Constitutional Court in 1990 and four questions relating to the interpretation of the law.

18. In reply to question (d), she said that the Social Committee on Human Rights had been registered as an association on 28 December 1988 and 66 members had participated in its founding congress, held on 28 April 1989, when statutes had been adopted and the leadership elected. Among its early activities, the Committee had approached the authorities concerning the rehabilitation of persons persecuted during the Stalinist era and in connection with questions relating to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the International Covenant on Civil and Political Rights, the right of individuals to appeal to the Constitutional Court with respect to legislative measures, and the principle of non-discrimination on political grounds in the monitoring of the performance of officials and teachers.

19. The Human Rights and Legality Commission was a commission of the Senate and one of its tasks was to verify the conformity of Polish law with the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights and to assess the implementation of those instruments by State bodies. It also prepared reports on the observance of international human rights standards and rules and laws prepared by the Diet. The Commission could also prepare legislation for the Senate in cases where the protection of human rights was involved. In addition, it was entitled to express an opinion on the budgets of the Supreme Court, the Ministry of the Interior, the Ministry of Justice and the Council of Ministers. It disseminated international human rights standards in cooperation with the parliamentary commissions of other countries and with other international human rights bodies. It was entitled to express views on candidates for the office of Civil Rights Spokesman. The Commission, which was composed of 10 Senators, also had working groups which, with the assistance of appropriate experts, drew up lists of practical issues for consideration by the Senate.

20. In connection with question (e), she said that the President of the Republic had signed the instrument of accession by Poland to the Optional Protocol and the Permanent Representative of Poland to the United Nations in New York had been authorized to submit the instrument of accession to the Secretary-General. In conformity with article 9 (2) of the Optional Protocol, Poland would be bound by its stipulations three months after the date of deposit of the instrument of accession.

21. Miss CHANET, after welcoming the detailed information provided by the delegation of Poland, requested clarification on the issue of the hierarchy of laws. The representative of Poland had said that treaties should take precedence over national law: did that mean that the International Covenant would be given priority if it conflicted with the Constitution?

22. The provisions on discrimination contained in article 81 of the Constitution were not in conformity with the Covenant. She would like to know whether the provisions of the Covenant on the issue of discrimination would be given constitutional force in Poland. She also asked how conformity of Polish law with the Covenant was assured. The fact that an individual could invoke the Covenant when the law was applied represented a posteriori monitoring, but she would like to know whether there was any control in advance, particularly as the Covenant was not reflected in the Constitution of Poland.

23. On the question of judicial reform, she noted that there was a reference in article 56 of the Constitution to special courts. What were those special courts and had they been abolished?

24. Mr. FODOR, after recalling the long history of friendship between Poland and his own country, Hungary, welcomed the excellent and timely report of Poland against a background of political transition and a very active legislative process in the country.

25. In his view it was very important that Poland should have a new Constitution after so many important changes had taken place. It would be interesting to know what progress had been achieved in that connection and whether any time-limit had been set for its adoption. The criminal law system had been amended on a number of occasions during the past two years, as had been reflected in the report. He would like to know what remained to be done in the near future and what further amendments and reforms were contemplated.

26. Poland appeared to have a dual judicial system consisting of the ordinary courts and the misdemeanours commissions. He welcomed the crucial amendments to the Code of Procedure in respect of Misdemeanours and particularly the change which brought the activities of those bodies under the district courts, with their activities being monitored by the Ministry of Justice instead of the Ministry of the Interior. He would welcome further clarification on the current status of those commissions. Were they independent courts, particularly bearing in mind paragraph 4 of the addendum (CCPR/C/58/Add.13) to the third periodic report of Poland in which it was stated that they operated under the district courts? How should that relationship be construed? Could the misdemeanours commissions impose imprisonment and was it necessary to maintain such a dual system bearing in mind the recent changes which had taken place in Poland?

27. Since that the important principle that the fundamental rights and obligations of individuals should be enshrined in a national constitution or regulated by basic laws had not been respected in the so-called socialist countries, he asked whether there had been any recent action taken in Poland to ensure that such matters were no longer regulated at a level in the hierarchy of legislation below that of a law. He noted, for instance, that the situation of people in pre-trial detention was reported to be regulated merely by an ordinance of the Minister of Justice (CCPR/C/58/Add.10, para. 69).

28. Mr. HERNDL welcomed the delegation of Poland and said he looked forward to an interesting discussion in view of the significant and sustained progress that country had been making in the field of human rights.

29. From the report and its oral presentation, a broadly satisfactory picture emerged of recent developments in Poland. He was particularly gratified by Poland's accession to a number of human rights treaties, by its declaration under article 41 of the Covenant and by its ratification of the Optional Protocol. Understandably the recent historic events in Poland had led to a wide-ranging review of its entire legal system. That review gave Poland a unique opportunity to use the Covenant and its various provisions as a reference standard when redrafting certain parts of its civil and criminal law.

30. It was gratifying that the Convenant had been incorporated into Polish law, in the tradition followed by many continental European States. Further to Miss Chanet's remarks, he wondered whether the Covenant had the status of ordinary law or the higher status of constitutional law.

31. With regard to the misdemeanours commissions, he asked what their structure was, how they were composed, whether they were purely administrative entities or police bodies and what their hierarchical links were with the courts.

32. Paragraph 30 of the third periodic report (CCPR/C/58/Add.10) referred to a bill under which such commissions would be linked to the courts, paragraph 4 of the addendum to that report (CCPR/C/58/Add.13) stated that they now operated under the district courts and its paragraph 5 referred to appeal to such courts. He therefore joined Mr. Fodor in asking what the exact relationship between the misdemeanour commissions and the district courts was and how the appeal mechanism under the district court operated.

33. Paragraph 9 of the addendum to the report mentioned the bodies providing protection to war veterans and the victims of repression during wartime and the post-war period. What kind of protection was envisaged for such persons? Furthermore, paragraph 10 of the addendum envisaged compensation for damage and moral injury. Was that provision also applicable to war veterans and the victims of repression during wartime and the post-war period to 1956?

34. He found the appointment of a Civil Rights Spokesman a most interesting development; such an institution, similar to the institution of Ombudsman adopted by Austria a number of years previously, was a most useful one. Among the Spokesman's functions, he noted (CCPR/C/58/Add.10, para. 33) the ability to file applications for special remedies against any judicial decision which had the force of res judicata. Did that mean that a case that had been settled could be reopened through an appeal to the Civil Rights Spokesman?

35. He had been impressed by the report and addendum presented by the Government of Poland, considering it very creditable that they had been submitted virtually on time during a period of considerable upheaval and new developments.

36. Mr. SADI joined other members of the Committee in welcoming the Polish delegation and said he looked forward to a fruitful dialogue. The rapid and dramatic change-over in Poland from a one-party system to a multi-party democracy was very encouraging for the cause of human rights and democracy throughout the world. Many countries, especially in the developing world, were watching Poland's experiences with great interest and hoping to learn from them.

37. In some ways Poland's report and addendum were premature since the country was still undergoing rapid change and its legal and political metamorphosis was not yet complete. On the other hand, the fact that that process of change had not yet ended might prove useful since it meant that the Committee's comments could be taken into consideration as Poland advanced along the path to full democracy and observance of the human rights standards set out in United Nations instruments.

38. He welcomed the recognition Poland had already given the Covenant, but concurred with Mr. Herndl in considering that as Poland was still in the process of restructuring its legislation it might well, when drafting provisions relating to human rights, use the standards and even the wording of the Covenant as a model.

39. With regard to the three stages followed in the appointment of judges, the fact that the final decision was left to the President gave that office very large powers. He asked what controls existed to make sure the President's decision was not arbitrary, and questioned the independence of the judiciary in a system where appointment of its members lay ultimately in the hands of the head of State. Clarification of that situation would be welcome.

40. Mr. ANDO welcomed the very high-level delegation sent to the Committee by the Polish Government and paid tribute to Poland's deeply felt aspirations to democracy and liberty, which had ensured its survival as a nation and laid the foundations for respect for human rights.

41. He applauded Poland's decision to accede to the Optional Protocol and commended the report and addendum. He was particularly impressed not only by Poland's readiness to acknowledge the difficulties it faced in implementing the Covenant but also by its efforts to overcome them, as the report, its addendum and the statement made by the Polish delegation had made plain. They should serve as models for other States parties to follow. However, he noted from the report (para. 34) that many State administration units were not aware of the significance of the Human Rights Covenants. He asked what specific efforts were being made in Poland to disseminate information on human rights at the grass-roots level and, in particular, whether anything was being done in schools to teach the younger generation the importance of human rights.

42. Referring to the protection given to the victims of repression (paras. 9 and 10 of the addendum to the report) and the action taken to avert active revenge for violations of civil and political rights (para. 37 of the report), he asked whether there had in fact been any extreme reaction during recent changes which had resulted in abuse of the human rights of persons affiliated to the old regime, and in particular to the Communist Party.

43. Mr. EL SHAFEI expressed his pleasure at the presence of the Polish delegation at the Committee table and joined the Chairman in expressing appreciation of the work of Mr. Zielinski, a former member of the Committee. The third periodic report submitted by Poland had not only met the time-limit set by the Committee but had followed the Committee's guidelines on preparation. It was exemplary not only in its extensive coverage and its precision, but also in the statistical information it provided.

44. As had already been noted, the report covered a period of great change in Poland; the country was advancing rapidly towards democracy and social and economic liberty. That process was reflected in the restructuring taking place within the legal system, with the adoption of many new laws and

amendments to existing legislation. The report had also referred to a number of bills that had been prepared either by the Government or by members of the previous Diet. Would those bills be submitted to the new Diet when it was convened? To take a specific example, would a bill on the abolition of the death penalty, which had undergone a first reading by the previous Diet and been referred to a commission, be considered by the new Diet? Was the Government of Poland considering acceding to the second Optional Protocol relating to abolition of the death penalty?

45. He joined a number of earlier speakers in requesting clarification of the status of the Covenant in Polish domestic law.

46. Mr. PRADO VALLEJO welcomed the Polish delegation and expressed great admiration for the people of Poland, who were in the forefront of the historic movement towards greater democracy and freedom throughout the world. The Polish people and its new leaders were providing the impetus to achieving a new world order based upon respect for the rights and freedoms of the individual. It was gratifying to note how much progress Poland had achieved in almost all human rights fields during the period it had been submitting reports to the Committee.

47. He noted from the report that article 270 of the Penal Code imposed prison sentences for those convicted of insulting the Polish nation, the people of Poland, the national system or the supreme State bodies. That was a very broad area of reference and he would appreciate clarification of what exact offence was covered by the term "insult", particularly in the case of the supreme State bodies, and whether the provisions of article 270 were still in force, since it was open to abuse.

48. The changes which had been introduced into Polish legislation were most satisfactory, but he sought clarification of the exceptions made to the rule relating to appeals against administrative decisions before the Administrative Court, referred to in paragraph 2 of the addendum to the third periodic report (CCPR/C/58/Add.13). He had in mind, in particular, disciplinary matters, the right to asylum and the denial of visas. What remedy was available to an individual who considered that he had been treated arbitrarily?

49. He also wondered whether, under Poland's new democratic system, any compensation had been envisaged or paid in the case of Polish citizens who had suffered repression or injustices under the old regime, and whether, as a result of the very important changes in Poland's political life, knowledge of the Covenant and the Human Rights Committee had been disseminated more effectively in social, academic, professional and political circles. Despite the changes made, women's organizations continued to complain of discrimination, particularly in the professional field and in public service. Was there justification for any of those complaints, which had been brought to the attention of the ILO, and, if so, what measures were being taken to introduce reforms? Finally, he wondered whether any inquiries had been carried out into police abuses during investigations. Had individuals who had practised torture and ill-treatment been punished and what was being done to put an end to those practices?

50. Mr. AGUILAR URBINA welcomed the Polish delegation and expressed appreciation of the excellent reports, which described not only the progress being made but also the difficulties being encountered in the application of the new laws.

51. He asked whether the misdemeanours commissions still existed and, if so, how they operated and what degree of independence they enjoyed. He also asked whether the special courts were continuing to function and, lastly, what was the exact relationship between the Covenant and Poland's Constitution and laws.

52. Mr. LALLAH, welcoming the Polish delegation, noted that Poland's reports had always been presented in accordance with the Committee's guidelines and in a spirit of full cooperation. Like other members he welcomed the fact that, although the Covenant was not written into the Polish Constitution and laws, the judiciary applied its principles and referred to it extensively - much more, in fact, than in many longer-established democracies.

53. It was not clear from the reports how litigation was organized in Poland and how an individual who considered his rights to have been violated could obtain redress. Was there some kind of lawyers' association and, if so, how was it organized?

54. Referring particularly to article 2 (1) of the Covenant, which banned discrimination on racial or religious grounds, he wondered what was being done to overcome the problem of anti-Semitism in Poland. In that connection, not only would laws be necessary but also strong leadership, in order to overcome prejudices which had arisen in Poland, as in many other countries, in recent years. Was any thought being given to such matters in formulating the new Constitution and was it the subject of serious discussion among politicians?

55. Mr. MYULLERSON expressed pleasure at being able to welcome the Polish delegation, particularly following the first free elections held in that country since the Second World War; which had enabled the Polish people to exercise their rights under articles 1 and 25 of the Covenant.

56. He asked for further clarification on the Human Rights and Legality Commission referred to in section I (d) of the list of issues and in paragraph 36 of the report and on the ways in which that body was participating in the protection of human rights in Poland. Lastly, he wondered what relationship existed between the prosecutor's office and the courts in Poland, bearing in mind that in many former socialist countries the courts had come under the control of the prosecutor's office.

57. Mr. WENNERGREN welcomed the Polish delegation and commended it on a report that was both useful and informative. He also paid a warm tribute to Mr. Zielinski, former member of the Committee.

58. He asked where, in addition to article 60 of the Polish Constitution, other provisions could be found which regulated the appointment of judges. Moreover, he wondered how it had been possible to cope with the many thousands

of complaints lodged with the Civil Rights Spokesman each year and whether or not a backlog of cases had accumulated. In conclusion, he wondered how Polish citizens would be informed of the provisions of the Optional Protocol and, in particular, of their possibilities of recourse to the Human Rights Committee.

59. Mr. DIMITRIJEVIC also welcomed the Polish delegation and expressed appreciation of the very instructive report, which demonstrated the wisdom and moderation with which a totalitarian State had been transformed into a pluralistic one. Such information was useful not only for the Committee but for other countries as well.

60. He observed that respect for human rights depended not only on the behaviour of State organs as such but also on the general atmosphere of tolerance and political and religious pluralism that existed in a country. It was most unfortunate, therefore, that certain reports and public opinion polls had recently pointed to a certain measure of intolerance in Poland towards minorities: there were indications of a negative attitude being taken towards gypsies and Jews and towards foreigners generally, and a tendency, too, to relegate women to a secondary position in society, with efforts being made to introduce a law banning abortion. Such sentiments had of course arisen in other parts of Europe, including Switzerland. He wondered whether the Polish authorities considered that the situation constituted a serious problem and what efforts were being made to introduce some sort of basic human rights education into school curricula.

The meeting rose at 1.00 p.m.